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Executive Order No. 18-98

EXECUTIVE ORDER CONTINUING THE GOVERNOR'S HIV/AIDS ADVISORY COUNCIL

WHEREAS, the Human Immunodeficiency Virus (HIV), the virus that causes Acquired Immunodeficiency Syndrome (AIDS), claims a life in the United States every fifteen minutes, is the leading cause of death for men between the ages 25-44 and the fourth leading cause of death for women between the ages of 25-44; and

WHEREAS, Montana State Government has a significant interest in protecting the public health; and

WHEREAS, Montana has both the opportunity and the obligation to provide a constructive response to this HIV epidemic; and

WHEREAS, such a response necessarily requires the commitment and resources of all levels of government coupled with a firm partnership with the private sector in order to effectively stem the spread of this disease; and

WHEREAS, the 1994 "Report to the Governor: Montana Responds to HIV/AIDS" and previous AIDS advisory councils have recommended the multiplicity of issues that transcend the

singular responsibility of any one state agency; and

WHEREAS, the need for an advisory and leadership mechanism is critical for an effective and publicly supported response to a very serious public health issue.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by the authority vested in me by Article VI, Section 4 of the Montana Constitution, and Section 2-15-201, MCA, do hereby continue the Governor's HIV/AIDS Advisory Council.

I. PURPOSE

The Council shall provide the leadership required to recommend public policy to the Governor and Department Directors that assures the initiation, coordination, promotion, implementation and evaluation of services and activities that can effectively arrest the spread of the HIV infection and provide humane treatment for those that are or become infected.

II. DUTIES

The Department of Public Health and Human Services shall organize Regional HIV Prevention Community Planning groups according to the Governor's Health Planning Districts and in accordance with the Centers for Disease Control's HIV Prevention Community Planning process guidance. These regional planning groups shall submit recommendations for a comprehensive Montana HIV prevention plan to the Council for review & response.

The Council shall meet regularly at the call of its Chair

to seek information, discuss strategies to fulfill its purpose and act in its discretion to carry out the decisions it reaches.

III. COMPOSITION

The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Department of Public Health and Human Services and the Secretary of State. Staff support shall be provided by the Department of Public Health & Human Services.

IV. DURATION

The Council shall exist for a period of two years from the effective date of this Order unless extended by subsequent Executive Order.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 23rd day of November, 1998.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 17-98

EXECUTIVE ORDER CONTINUING THE
MONTANA HISTORICAL RECORDS ADVISORY COUNCIL

WHEREAS, Public Law 93-536 requires the Governor of each state desiring to participate in the National Historical Publications Program to establish an Historical Records Advisory Council; and

WHEREAS, the State of Montana has demonstrated an interest in the care of historical records.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the Constitution and laws of the State of Montana, specifically 2-15-122, MCA, and Public Law 93-536, do hereby continue the Montana Historical Records Advisory Council.

I. PURPOSE

Pursuant to Public Law 93-536 and the implementing regulations, the Council shall serve as the central advisory body in the State of Montana for the care, storage, and disposition of historical records, and shall review and evaluate grant proposals made to the National Historical Publications and

Records Commission (NHPRC), an Office of the National Archives and Records Administration. The Council is authorized to receive funds pursuant to Public Law 93-536.

II. COMPOSITION

The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Montana Historical Society and the Secretary of State.

III. ADMINISTRATION

The Council shall be attached to the Montana Historical Society for administrative purposes.

IV. DURATION

The Council shall exist for a period of two years from the effective date of this Order unless extended by subsequent Executive Order. This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 14th day of September, 1998.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

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Executive Order No. 16-98

EXECUTIVE ORDER CONTINUING THE
MONTANA FAMILY SUPPORT SERVICES ADVISORY COUNCIL

WHEREAS, the Montana Legislature authorized the State of Montana to apply for funding to implement the state grant program for infants and toddlers as established under the Education of Handicapped Act Amendments of 1986, PL 99-457, (renamed and amended under its reauthorization in July, 1997, as the Individuals with Disabilities Education Act, PL 105-17); and

WHEREAS, the Disabilities Services Division of the Department of Public Health and Human Services has been designated the lead agency for early intervention and family support services provided for under Title 1, Part C of the Individuals with Disabilities Education Act; and

WHEREAS, to be eligible for participation in the state grant program for infants and toddlers the Governor must appoint an Interagency Coordinating Council of at least 15 members to advise the Disabilities Services Division regarding issues of early intervention and family support in Montana; and

WHEREAS, the Family Support Services Advisory Council

exists to advise the Disabilities Services Division regarding the State of Montana's intent to continue to implement a statewide, comprehensive, multi-disciplinary, coordinated program of early intervention and family support services for children aged birth to five, inclusive, and their families.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the constitution and laws of the State of Montana, do hereby continue the Montana Family Support Services Advisory Council.

I. PURPOSE

The Council shall carry out all duties assigned pursuant to Public Law 105-17 and amendments thereto.

II. COMPOSITION

The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Department of Public Health and Human Services and the Secretary of State.

III. DURATION

This Council shall exist for a period of two years from the effective date of this Order unless otherwise rescinded or extended by subsequent executive order. This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 14th day of September, 1998.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

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Executive Order No. 15-98

EXECUTIVE ORDER PROCLAIMING AN EMERGENCY TO EXIST IN THE STATE OF MONTANA

WHEREAS, extremely dry conditions, near record high temperatures, and high winds have combined to create hazardous fire conditions throughout the state; and

WHEREAS, wildland fires are currently burning and have created an imminent threat of a disaster which timely actions can avert or minimize; and

WHEREAS, these conditions authorize the Governor to mobilize state resources and the Montana National Guard to protect life, health and property and authorize the Governor, under section 10-3-311, MCA, to expend funds from the general fund to meet contingencies and needs arising from the emergency.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare that an emergency exists in the State of Montana.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 2nd day of September, 1998.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 14-98

EXECUTIVE ORDER CONTINUING THE
RISK MANAGEMENT ADVISORY COMMITTEE

WHEREAS, The Department of Administration, pursuant to Section 2-9-101, MCA, is charged with the acquisition and administration of all insurance purchased for the protection of the state; and

WHEREAS, the Department of Administration shall, after consultation with the departments, agencies, commissions, and other instrumentalities of the state ("state participants") provide a comprehensive insurance plan for the state; and

WHEREAS, all offices, departments, agencies, authorities, commissions, boards, institutions, hospitals, colleges, universities, and other state participants are statutorily required to comply with the insurance plan developed by the Department of Administration pursuant to Section 2-9-201, MCA; and

WHEREAS, risk management is an essential component in the formation of a comprehensive state insurance plan; and

WHEREAS, a systematic and organized approach to managing

risks through cost effective risk management techniques and insurance coverage will reduce the conditions and practices which cause insurable losses; and

WHEREAS, the protection of Montana's physical and human resources is of vital interest to our citizens and to our well being as a state.

NOW, THEREFORE, I, MARC RACICOT, by virtue of the authority vested in me as Governor by the Constitution and laws of the State of Montana and Section 2-15-122, MCA, do hereby establish the Risk Management Advisory Committee.

I. PURPOSE:

The purpose of the Committee shall be as follows:

1. Make recommendations to the Governor, other elected officials, and department directors on implementation of:

a. a risk management plan within each instrumentality of state government; and

b. risk awareness activities as an integral part of operating procedures.

2. Serve in an advisory capacity to resolve problems which may arise with insurance coverage or risk management concerns involving protection of state assets and resources.

3. Disseminate and collect insurance and risk management information from state agencies to maintain and preserve the insurability and viability of state assets.

4. Review alternatives and make recommendations for

adoption of risk management policies and, when necessary, recommend administrative or legislative action.

I further direct the Department of Administration, in accordance with general policy direction established by the Division of Risk Management and Tort Defense, and in cooperation with other instrumentalities of state government, to develop and annually update and present to the Governor a recommended risk management plan.

The plan shall provide for the effective and efficient allocation of insurance and risk management resources and shall address the need for collecting, summarizing, and disseminating insurance, risk management, claims, and loss prevention information.

II. COMPOSITION:

The Risk Management Advisory Committee shall be composed of one representative from each of the following areas of state government:

1) Commissioner of Higher Education
2) Department of Administration
3) Department of Agriculture
4) Department of Commerce
5) Department of Corrections
6) Department of Environmental Quality
7) Department of Fish, Wildlife & Parks
8) Department of Justice
9) Department of Labor & Industry

10) Department of Livestock
11) Department of Military Affairs
12) Department of Natural Resources & Conservation
13) Department of Public Health and Human Services
14) Department of Revenue
15) Department of Transportation
16) Governor's Office (represented by the Director of the Department of Administration)
17) Historical Society
18) Legislative Services Division
19) Montana Judiciary
20) Office of Public Instruction
21) Office of Secretary of State
22) Public Service Commission
23) State Auditor's Office
24) State Compensation Insurance Fund
25) University System

The Director of the Department of Administration, or his/her designee, shall serve as chairperson and shall represent the Governor's Office. The full committee shall convene at least annually. Subcommittees consisting of uniform or similar risk management issues shall convene from time to time as requested by the chairperson.

The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Department of Administration and the Secretary of State.

III. DURATION:

This Advisory Council shall exist for two years from the effective date of this order unless extended or terminated by subsequent Executive Order.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 26th day of August, 1998.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

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Executive Order No. 13-98

EXECUTIVE ORDER CONTINUING
THE GOVERNOR'S COUNCIL ON FAMILIES

WHEREAS, strong and healthy families are the foundation of a healthy society; and

WHEREAS, families in their wondrous diversity provide the essential front line of education in passing on values, ethics, ideals and socially acceptable behaviors to the citizens of tomorrow; and

WHEREAS, the modern-day family is experiencing a variety of pressures--social, cultural and economic--that can threaten its viability; and

WHEREAS, malfunctioning families affect all of us through the increased costs of public medical care and the justice and penal systems, and increased emotional and financial costs when new victims are created; and

WHEREAS, the roots of youth violence can be traced in large part to the breakdown of family units; and the education system and all of its members and constituencies are adversely affected by the disruptive and sometimes violent behavior of students,

many of whom come from malfunctioning families; and

WHEREAS, single-parent families have a significantly higher rate of poverty than two-parent families and children from single-parent families are more likely to become school dropouts, juvenile delinquents, teen parents, and recipients of public assistance; and

WHEREAS, the percentage of children living in single-parent families more than doubled in one generation, from 12 percent in 1970 to 27 percent in 1993; and

WHEREAS, problems in families such as domestic violence, abandonment, child abuse, and neglect tend to be perpetuated from generation to generation; and

WHEREAS, it is the stated statutory responsibility (Family Policy Act) that government constantly examine the impact of all its actions on the health of the family; and

WHEREAS, with appropriate intervention and support, troubled families can often be restored to their essential nurturing role in the upbringing of Montana's children, who are the classmates, neighbors, co-workers, and leaders of tomorrow; and

WHEREAS, the majority of Montana's families function well and especially deserve the support, positive reinforcement and gratitude of their State Government, society at large, and their peers; and

WHEREAS, government alone clearly cannot and should not try to solve all of the current problems of troubled families; and

WHEREAS, life in a democracy carries with it many freedoms and benefits but also many responsibilities and duties; and

WHEREAS, it is in the interests of society that every child have an opportunity to grow in a secure and loving family environment; and

WHEREAS, resolution of these complex and troublesome family issues is an ongoing but vital process that will require the commitment and active participation of society as a whole as well as the assumption of responsibility by every individual.

NOW, THEREFORE, I, Marc Racicot, Governor of the State of Montana, by virtue of the authority vested in me by Sec. 2-15-122, MCA, do hereby continue the Governor's Council on Families.

I. PURPOSE: The Council will perform, in conjunction with existing resources within the Department of Public Health and Human Services, a variety of duties including, but not limited to:

A. creating widespread public forums to engage individual citizens and both private and public bodies for discussion and improvement of Montana families;

B. reviewing state policies, regulations and laws and advising the Governor to help strengthen independent families, as well as recommending new measures with the same goal;

C. examining issues such as tax reforms, juvenile justice and private job creation that also affect families;

D. acting as a catalyst for the stimulation of discussion and action by other institutions such as schools and local governments to design and shape their activities and policies to aid the growth and maintenance of healthy families;

E. facilitating the exchange among Montanans of successful family strategies; and

F. performing such other activities as may be appropriate to move Montana toward the goal of becoming forever family-friendly.

II. COMPOSITION:

The Council shall be composed of not more than 17 members who shall serve at the pleasure of the Governor. The names and addresses of members are submitted by separate letter to the Secretary of State and the Department of Public Health and Human Services.

III. ADMINISTERING AGENCY:

The Department of Public Health and Human Services is designated as the organizational unit responsible for the administration and management of the Council.

IV. DURATION:

This Council shall remain in existence for two years from the effective date of this Order unless extended or terminated

by subsequent Executive Order.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 18th day of August, 1998.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

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Executive Order No. 12-98

EXECUTIVE ORDER CONTINUING THE
GOVERNOR'S ADVISORY COUNCIL ON DISABILITY

WHEREAS, the Americans with Disabilities Act (ADA) opens the doors of opportunity for Montana's citizens with disabilities to become employees, taxpayers and welcome participants in the operations of their state government; and

WHEREAS, these opportunities are contingent on equal access to employment, services, and information provided by state agencies; and

WHEREAS, effective compliance with the Americans with Disabilities Act by state government can serve as a model for employers and service providers throughout Montana; and

WHEREAS, the compliance of state agencies with the American with Disabilities Act will be coordinated by the Department of Administration and the Department's ADA Coordinator; and

WHEREAS, this compliance and coordination will be reinforced and enhanced through the participation and advice of concerned employees and citizens, including persons with disabilities.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me under the laws of the State of Montana, do hereby establish the Governor's Advisory Council on Disability.

I. PURPOSE

The Advisory Council shall advise the Department of Administration, the ADA Coordinator and the Governor's Office on issues affecting the implementation of the Americans with Disabilities Act in State Government, including:

1. recommending steps to promote the proactive implementation of the Americans with Disabilities Act in Montana State Government with emphasis on both Title I and Title II;

2. recommending steps to promote the development of employment opportunities for Montanans with disabilities in state government agencies with the same terms, conditions and privileges of employment enjoyed by other state employees;

3. identifying specific problems affecting the access of people with disabilities to the programs, services, activities, and information provided by state agencies;

4. identifying specific problems affecting the opportunity for people with disabilities to actively participate in the operation of their government;

5. recommending steps to insure that state government provides a model for other Montana employers for compliance and implementation of the Americans with Disabilities Act; and

6. sharing of the information with other employers and

organizations, including the President's Committee on Employment of Persons with Disabilities, to promote the effective implementation of the Act throughout Montana.

II. COMPOSITION

The Governor shall appoint seven voting members to the Advisory Council. Additional non-voting, ex-officio members may be appointed as deemed necessary to represent other councils, committees or programs. At least four voting members must be individuals with disabilities. The membership must be drawn from consumers of state government services, associations or councils representing people with disabilities, and state employees. The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Department of Administration and the Secretary of State.

The Chair and Vice Chair must be elected by a vote of the Advisory Council at the first meeting of the Council under this Executive Order.

The Department of Administration shall provide administrative support to the Advisory Council necessary to permit the Council to conduct quarterly meetings.

III. DUTIES

The Advisory Council shall meet no less than quarterly to be determined by the Council, in cooperation with the Department of Administration, to assure that the Council has adequate opportunity to review the activities of the ADA Coordinator and provide appropriate advice.

Any number of voting members constitutes a quorum. Business may be conducted by a majority of the voting members present.

IV. COMPENSATION

Council members' expenses eligible for compensation under Section 2-15-122(5), MCA, shall be paid by the Department of Administration at the rate of $25 for each day actually and necessarily engaged in the performance of Council duties. All members shall be reimbursed for travel expenses pursuant to 2-15-122(5), MCA.

V. DURATION

This Advisory Council remains in existence for a period of two years from the effective date of this order.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 12th day of August, 1998.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

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Executive Order No. 11-98

EXECUTIVE ORDER CREATING THE MONTANA RESEARCH AND DEVELOPMENT TASK FORCE

WHEREAS, it is the policy and goal of the State of Montana under Title 90, Chapter 3, MCA to encourage scientific and technological development within the State in order to keep pace with a changing economic structure and to create new jobs and expand business opportunities; and

WHEREAS, research into new technologies is a major component of the State's economic development strategy; and

WHEREAS, the development of new technology and its application has been viewed as critical to the long-range economic and social welfare of the State and nation; and

WHEREAS, academic studies, human resource development, and economic goals can be integrated through research and technology development; and

WHEREAS, the State must contribute funds to match those from other sources in order to participate in certain federal and other research and development programs.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me by the

Constitution and laws of the State of Montana, do hereby create the Montana Research and Development Task Force (Task Force).

I. PURPOSE

The Task Force shall:

A. Recommend to the Governor a plan that will support the State's goals of strengthening and diversifying Montana's economy through an investment in research and development activities. The plan will include at least the following provisions:

1. A structure, organization, or other device that will:

a. develop and implement a state research and development plan;

b. provide long-term administration of the plan;

c. oversee distribution of funds to eligible organizations for qualified projects;

d. provide accountability to Montana's taxpayers; and

e. counsel the Legislature and Executive Branch on matters of research and development.

2. A determination of the source and amount of funds to support the purposes of the structure, organization, or device recommended in I.A.1. for the 2001 biennium.

B. Recommend to the Governor a plan for the future of the Montana Science and Technology Alliance, management of assets held by the Montana Science and Technology Alliance,

and the disposition of loan and other payments made to the Montana Science and Technology Alliance.

II. COMPOSITION

The Task Force shall be comprised of not more than fifteen members appointed by the Governor. The names and addresses of the members, who shall serve at the pleasure of the Governor, are submitted by separate letter to the Secretary of State. The Chairman shall also be appointed by the Governor.

III. ADMINISTRATION

The Task Force shall be attached to the Department of Commerce for administrative purposes.

IV. COMPENSATION

The Task Force members eligible for compensation under Section 2-15-122(5), MCA, shall be compensated through the Department of Commerce for each day actually and necessarily engaged in the performance of Task Force duties. All members, who are not full-time state employees shall be reimbursed for travel expenses, pursuant to Section 2-15-122(5), MCA.

V. DURATION

The Task Force shall exist until June 30, 1999, unless extended by subsequent Executive Order.

This Order shall be effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 6th day of July, 1998.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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No. 10-98

State of Montana
Office of the Governor

Executive Order No. 10-98

EXECUTIVE ORDER PROCLAIMING AN EMERGENCY TO EXIST IN THE STATE OF MONTANA

WHEREAS, severe weather including rain, hail, and high winds has occurred across the State of Montana daily since June 27, 1998; and

WHEREAS, this severe weather has caused substantial erosion and destruction of publicly-owned highways, roads, bridges and streets; damage to public works facilities; and debris problems in several counties and cities across the State of Montana; and

WHEREAS, the severe weather has caused substantial damage to private property; and

WHEREAS, a proclamation of an emergency or disaster authorizes the Governor under section 10-3-311, MCA, to expend funds from the general fund to meet contingencies and needs arising from these conditions.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana and Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare an emergency to exist in the State of Montana.

This Order shall be effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 8th day of July, 1998.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

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Executive Order No. 9-98

EXECUTIVE ORDER AUTHORIZING INCIDENT RESPONSE AUTHORITY IN THE STATE OF MONTANA

WHEREAS, on May 5, 1998, a leak was discovered in the face of Tin Cup Dam, located in Ravalli County and within the Selway-Bitterroot Wilderness Area of the Bitterroot National Forest; and

WHEREAS, 16 residences and US Highway 93 near the Town of Darby, Ravalli County, are located below the dam and within the projected inundation area; and

WHEREAS, the Bitterroot National Forest declared an emergency to allow for emergency repairs to be made within the wilderness area; and

WHEREAS, emergency repairs effected by Tin Cup Water Company were unsuccessful in reducing the risks of dam failure; and

WHEREAS, recent heavy rains in the area are causing in-flows to the reservoir that exceed emergency out-flows for the reservoir; and

WHEREAS, the Department of Natural Resources and Conservation, Dam Safety Bureau officials and the USDA Forest

Service agree that there is now an imminent threat to life and property below Tin Cup Dam; and

WHEREAS, on May 26, 1998, Ravalli County commissioners declared a local emergency to exist and have activated their emergency operations plan; and

WHEREAS, the availability and utilization of necessary state government services, equipment and supplies under this proclamation will further efforts to protect health and safety and to preserve the lives, property and resources of the people of the State of Montana; and

WHEREAS, a proclamation of an "incident", as that term is defined in Section 10-3-103(7), MCA, signifies the occurrence of an event that requires action by disaster and emergency services personnel to prevent or minimize loss of life or damage to property or natural resources, and section 10-3-310, MCA, authorizes the Governor to expend funds from the general fund for costs associated with an "incident".

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Title 1-, Chapter 3, MCA, and under other applicable statutes, do hereby activate the State Emergency Operations Plan, effective May 28, 1998.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 1ST day of June, 1998.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

Exec. Order No. 8-98

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Executive Order No. 8-98

EXECUTIVE ORDER CREATING THE UPPER CLARK FORK RIVER BASIN REMEDIATION AND RESTORATION EDUCATION ADVISORY COUNCIL

WHEREAS, the federal Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA) and the Montana Comprehensive Environmental Cleanup and Responsibility Act (CECRA) allow states as trustees for natural resources to recover monetary damages for injuries to natural resources caused by releases of hazardous substances; and

WHEREAS, in 1983 the State of Montana, pursuant to its role as trustee, filed suit in federal court against the Atlantic Richfield Company alleging that the company is liable for injury to the natural resources of the Upper Clark Fork River Basin; and

WHEREAS, the Governor acts as the trustee for the State's natural resources and of any damages recovered to compensate the public for injuries to those resources as permitted under CERCLA; and

WHEREAS, settlement negotiations have been ongoing between representatives of the State of Montana and ARCO for some time, but have heightened in intensity during recent months; and

WHEREAS, several local officials and citizens in the Upper Clark Fork River Basin have requested regular briefings on the status of the lawsuit and the opportunity for input concerning how any awards that may be recovered by the State as a result of this lawsuit will be used; and

WHEREAS, CERCLA requires that natural resource damage awards be used only to restore, replace, or acquire the equivalent of the injured natural resources that are the subject of the litigation. 42 U.S.C. 9607(f)(1); and

WHEREAS, in addition to the ongoing litigation involving the Upper Clark Fork River the Montana Department of Environmental Quality, works with the U.S. Environmental Protection Agency under cooperative agreements that provide funding to the State and define state and federal agency roles for directing the remediation of various operable units within the Upper Clark Fork River Basin National Priority List site, as authorized under CERCLA.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me by the laws and Constitution of the State of Montana, do hereby create the Upper Clark Fork Basin Remediation and Restoration Education Advisory Council.

I. PURPOSE

The primary purpose of the Advisory Council is to promote public understanding of the State's efforts to remediate and restore sites in the Upper Clark Fork River Basin that have been injured by hazardous substances for which ARCO is liable. To that end the Advisory Council shall establish a procedure for

the sharing of information with the Advisory Council, State's Natural Resource Damage and Superfund Programs, and the public.

Any advice provided to the Governor with respect to issues involving remediation and restoration efforts in the Upper Clark Fork River Basin, including the use to which any funds that may be recovered from settlement or trial of litigation are put would have to be consistent with the requirement that such funds be used for restoration or replacement of the injured natural resources in accordance with a restoration plan prepared by the State of Montana as provided by law. Moreover, such advice would not be considered to the exclusion of input of other interested individuals or groups.

The existence of the Advisory Council does not in any way diminish the powers of the Governor as trustee pursuant to CERCLA and CECRA. Nor is it intended to comment on the status of any pending litigation or related negotiations.

II. COMPOSITION

The Advisory Council will consist of the following members as identified below. The members shall serve a two-year term and be subject to re-appointment.

A. Non state-government members, who must reside in the area affected by the NRD litigation, more specifically described as the Clark Fork River Basin, from Butte to Missoula, to be appointed by the Governor:

1. one businessperson;
2. one conservation district representative;
3. two local government representatives;
4. one engineer;

5. one member of the public active in conservation or recreation;

6. one local natural resource scientist;

7. one local planner or local development specialist;

8. one representative of a non-profit organization, a purpose of which includes protection of environmental values in the Clark Fork Basin; and

9. one interested member of the public who does not represent one of the interests described in 1 through 8.

B. State government members:

1. Director of the Department of Environmental Quality, or the Director's designee;

2. Director of the Department of Fish, Wildlife and Parks, or the Director's designee;

3. a representative of the Natural Resource Damage Litigation Program designated by the Attorney General;

C. A representative of the Confederated Salish & Kootenai Tribes, designated by the Tribal Chair; and

D. A representative of the United States Department of the Interior, designated by the Secretary of the Interior.

The Governor will appoint a chair from among the members, and the Department of Environmental Quality will provide technical and administrative support for the Advisory Council.

The names of the members of the Advisory Council will be

submitted by separate letter to the Secretary of State.

III. DURATION

The Advisory Council will exist for a period of two years from the effective date of this Order unless otherwise ordered by subsequent Executive Order. This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 23rd day of April, 1998.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 7-98

EXECUTIVE ORDER CREATING THE
MONTANA-ALBERTA BOUNDARY ADVISORY COUNCIL

WHEREAS, the State of Montana and the Province of Alberta share a legacy of cultural traditions, economic conditions, and common goals; and

WHEREAS, the State of Montana and the Province of Alberta share approximately 200 miles of international border and six international ports of entry; and

WHEREAS, the State of Montana and the Province of Alberta recognize the need to promote the pursuit of common goals and further strengthen relations; and

WHEREAS, the State of Montana and the Province of Alberta recognize the need for establishing close communications for the exchange of ideas and information to foster mutual understanding and cooperation; and

WHEREAS, the Province of Alberta has appointed a Montana-Alberta Boundary Advisory Council for the purpose of improving communications and relations with the State of Montana.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me in accordance

with Section 2-15-122, MCA, do hereby establish the Montana-Alberta Boundary Advisory Council ("the Council").

I. PURPOSE

The Council shall:

A. meet on an annual basis with the Alberta delegation appointed to Alberta's Montana-Alberta Boundary Advisory Council;

B. work to strengthen all areas of cooperation between the governments of Montana and Alberta;

C. promote the active development of economic, cultural, educational, government, and citizen exchanges; and

D. encourage understanding and cooperation between the governments and citizens of Montana and Alberta.

II. COMPOSITION

The Governor shall appoint 19 members to the Council, and members shall serve at the pleasure of the Governor. The names and addresses of the members shall be submitted by separate letter to the Secretary of State.

The Council shall be composed of the following representatives:

- Lieutenant Governor, who shall also serve as the council chairperson;
- two members of the Montana House of Representatives;
- two members of the Montana Senate;
- one representative of the Montana Legislative Services Division;
- one representative of the Office of the Governor;
- Director of the Department of Agriculture;

- Director of the Department of Commerce;
- Director of the Department of Environmental Quality;
- Director of the Historical Society;
- Director of the Department of Transportation;
- Commissioner of Higher Education; and
- six members representing private sector interests, including but not limited to the areas of Agriculture, Transportation, and Tourism.

III. COMPENSATION

Members will be compensated as provided in Section 2-15-122 (5), MCA. Each authority, business, organization, or agency, is responsible for the expenses incurred by its representative on the Council.

IV. DURATION

This Advisory Council shall exist for two years from the effective date of this order unless extended or terminated by subsequent Executive Order.

This order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 9th day of March, 1998.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 6-98

EXECUTIVE ORDER ESTABLISHING THE
GOVERNOR'S VISION 2005 TASK FORCE ON AGRICULTURE

WHEREAS, agriculture is Montana's leading industry and a major component of Montana's economy based on $2.13 billion in annual cash receipts; and

WHEREAS, agriculture accounts for over one-third of Montana's basic industry employment, labor income, and gross sales; and

WHEREAS, agriculture will face many challenges and opportunities as it moves into the next century; and

WHEREAS, it is important that new and innovative ways are developed to address the challenges and seize new opportunities facing Montana agriculture.

NOW THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me, do hereby establish the Vision 2005 Task Force.

I. PURPOSE

The Vision 2005 Task Force shall:

A. Provide a forum within which to plan, coordinate

and develop economic development initiatives to address issues affecting agriculture, with the goal of doubling Montana's agricultural economy by the end of the year 2005;

B. meet periodically, completing its work in time to provide recommendations prior to the 1999 session of the Montana State Legislature; and

C. prepare a report to the Governor on the accomplishments and recommendations of the Vision 2005 Task Force.

II. COMPOSITION

The Task Force shall consist of not more than 30 members, appointed by and serving at the pleasure of the Governor. The Governor shall appoint the Chairman. The members shall include representatives of the following groups:

A. Montana's Agricultural Organizations

Montana Agricultural Business Association
Montana Cattlewomen's Association
Montana Dairymen's Association
Montana Farm Bureau Federation
Montana Farmers Union
Montana Grain Growers Association
Montana Mint Growers Association
Montana Pork Producers Association
Montana State Grange
Montana Stockgrowers Association

Montana Wool Growers Association

Women Involved in Farm Economics (WIFE)

B. Lending Organizations

Montana Bankers Association

Montana Independent Bankers Association

C. State Government

Governor's Office

Montana Department of Agriculture

Montana Department of Commerce

D. Montana Legislature

Two members, one each from the House of Representatives and the Senate, and not more than one from each of the major political parties.

E. Montana State University

F. Montana Chamber of Commerce

G. Members At Large

Five members representing interests associated with value-added business, farming, ranching and agribusiness.

The list of members will be submitted to the Secretary of States Office and the Montana Department of Agriculture. The Montana Department of Agriculture shall provide administrative coordination.

III. DURATION

This Task Force shall remain in existence until December 31, 1998, unless extended or terminated by subsequent Executive Order. This Order is effective

immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 3rd day of March, 1998.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 5-98

EXECUTIVE ORDER CONTINUING THE
CAPITAL FINANCE ADVISORY COUNCIL

WHEREAS, the Montana State Legislature has authorized state agencies to incur debt by issuing notes, bonds, and certificates to the public to support a wide variety of activities in furtherance of various public purposes; and

WHEREAS, a coordinated approach to issuing obligations would enhance marketing of these obligations by the State of Montana; and

WHEREAS, it is necessary to present a coordinated strategy to finance Montana's capital investment to the rating agencies to enhance the credit ratings of obligations issued by the state; and

WHEREAS, it is desirable to communicate to investors, underwriters, and credit analysts the state's debt management policies and financial plans so that these market participants understand the state's management and control of debt issuance practices; and

WHEREAS, it is desirable to maintain a council whose purpose is to review, analyze, coordinate, and harmonize the

borrowing patterns of the state.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me in accordance with Section 2-15-122, MCA, do hereby continue the Capital Finance Advisory Council.

I. DEFINITIONS

As used in this Order, the following terms have the following meaning:

1. "Council" means the Capital Finance Advisory Council.
2. "Issuer" means any state agency that issues obligations authorized by state law.
3. "Agency" means any state agency under the authority of the Governor as enumerated in Title 2, chapter 15, MCA.
4. "Obligations" means notes, bonds, or certificates issued or to be issued by any state agency to finance one or more activity, program, or project, including obligations issued in anticipation of taxes, income, or revenues derived from any source or to redeem or refinance outstanding obligations.

II. COMPOSITION

The Governor shall appoint 13 members to the Council. The members shall serve at the pleasure of the Governor. The names and addresses of the members shall be submitted by separate letter to the Secretary of State and the Department of Administration.

The Director of the Department of Administration shall chair the Council, and the Council is attached to the department for administrative purposes. Employees of the Department of Administration shall serve as staff to the Council as directed by the chairperson.

III. DUTIES OF THE ADVISORY COUNCIL

1. The Council shall:

a. provide continued oversight of state obligations and review the form of obligations to ensure consistency with authorizing legislation and state financial policies;

b. prepare a state debt management plan and review, analyze and monitor the trends in state obligations to provide information to issuers to make informed decisions about financing methods and the structuring and timing of obligations;

c. compile and continually update a statewide master debt issuance schedule from agency financing plans to facilitate coordination of debt issues;

d. advise and make recommendations to the Governor as it deems appropriate; and

e. notify members of the Board of Examiners of all meetings, invite Board participation, and keep the Board informed about Council activities.

2. The Council may not supersede the activities or authority of independent agencies, but shall serve as a coordinating council to provide a formal linkage of

information among and between state obligation issuers, thereby serving as an effective mechanism to promote fiscal management.

IV. DUTIES OF STATE AGENCIES

1. To assist the Council in preparing a master obligation schedule, each issuer shall submit, as requested, a financing plan identifying the amounts to be borrowed, keep approximate time of debt issuance, a description of the projects or programs to be financed, an explanation of the security structure supporting the proposed obligation, and an explanation of the purpose of the financing, along with the key features to the extent known.

2. All agencies shall cooperate with and provide such assistance as the Council may request.

3. The Department of Administration shall consult with the Council in employing and establishing the duties of a statewide financial advisor.

V. COMPENSATION

Members will be compensated as provided in Section 2-15-122(5), MCA. Each board, authority, corporation, or agency is responsible for the expenses incurred by its representative on the Council. The Department of Administration is responsible for the expenses incurred by legislative representatives.

VI. DURATION

The Council shall exist for a period of two years from the effective date of this Order unless otherwise ordered by subsequent Executive Order. This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 25th day of February, 1998.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 4-98

EXECUTIVE ORDER CONTINUING THE PEACE OFFICERS STANDARDS AND TRAINING ADVISORY COUNCIL

I, MARC RACICOT, by virtue of the authority vested in me as Governor by the Constitution and laws of the State of Montana, and specifically pursuant to Section 2-15-122, MCA, do hereby continue the existing Peace Officers Standards and Training Advisory Council within the Board of Crime Control.

I. PURPOSE

The Council shall establish priorities, aid in planning programs, and make recommendations regarding the improvement of law enforcement in the State of Montana.

II. COMPOSITION

A. The Peace Officers Standards and Training Advisory Council shall be composed of 15 members. The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Attorney General and the Secretary of State.

III. DURATION

The Council shall exist for a period of two years from the effective date of this Order unless otherwise ordered by

subsequent Executive Order. This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 13th day of February, 1998.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 3-98

EXECUTIVE ORDER ESTABLISHING THE
MONTANA ABSTINENCE EDUCATION ADVISORY COUNCIL

WHEREAS, federal welfare reform legislation, Public Law 104-193, created a new Section 510 of Title V (Maternal and Child Health Block Grant) of the Social Security Act, establishing a separate program for abstinence education. The Department of Public health and Human Services applied for and received funds to provide abstinence education in the State of Montana; and

WHEREAS, "Assets for Abstinence" is the Grant Project Title of the comprehensive, structured program designed to give youth the tools to postpone sexual activity and help parents educate, inform and teach family values to their children.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority invested in me by the laws and Constitution of the State of Montana, do hereby establish the Montana Abstinence Education Advisory Council (Council).

I. PURPOSE

The purpose of the Council is to review and advise the Department of Public Health and Human Services on the "Assets

for Abstinence" training curriculum and manual, and social marketing.

II. COMPOSITION

The Council shall consist of not more than nineteen members, appointed by the Governor, and representing a wide background from all parts of the state.

The names and addresses of members who serve at the pleasure of the Governor are submitted by separate letter to the Secretary of State and the Department of Public Health and Human Services. A chair shall be appointed by the Governor.

The Council is attached to the Health Policy and Services Division of the Department of Public Health and Human Services for administrative purposes.

III. COMPENSATION

Compensation to Council members shall be as provided by Section 2-15-122(S), MCA.

IV. DURATION

The Council shall exist for a period of two years from the effective date of this order. This Order effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 13th day of February, 1998.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 2-98

EXECUTIVE ORDER CREATING THE
GOVERNOR'S COUNCIL ON ORGAN DONOR AWARENESS

WHEREAS, organ donor transplantation is one of the most remarkable success stories in the history of medicine; and

WHEREAS, about 20,000 men, women and children received organ transplants last year, but almost 4,000 people died (about 10 each day) while on the waiting list; and

WHEREAS, organ donor recipients' survival rates are at an all time high; and

WHEREAS, according to the United Network For Organ Sharing, there are approximately 121 Montanans on the waiting list for organ donation; and

WHEREAS, the American Medical Association, the American Academy of Family Physicians, the White House and other organizations are partnering to encourage physicians and families to openly discuss organ donations; and

WHEREAS, studies indicate that nearly all Americans would consent to donate organs of loved ones if they knew beforehand of their choice, but only half as many would agree on donation

if their decision were not shared with their family; and

WHEREAS, it is in the state's interest for Montanans to agree to donate organs and discuss their decision with their family; and

WHEREAS, one means to accomplish increased organ donation is through the creation of a broad-based information and education campaign, via a partnership of public, private and volunteer organizations.

NOW, THEREFORE, I RACICOT, Governor of the State of Montana, by virtue of the authority vested in me by Section 2-15-122, MCA, do hereby create the Governor's Council on Organ Donor Awareness.

I. PURPOSE:

The Council will perform, in conjunction with existing resources within the Department of Public Health and Human Services, a variety of duties including but not limited to:

A. creating a widespread public awareness of the critical need for organ donation in Montana and identifying new proposals in an effort to review existing state policies, regulations and laws and advise the Governor of ways to help educate the public on organ donation and increase the number of organ donations in Montana.

II. COMPOSITION:

The Council shall be composed of at least eight members who shall serve at the pleasure of the Governor. Members may include a representative from each of the following groups: donor recipients, donor families, physicians, clergy, business, media, Native Americans, the Department of Public Health and

Human Services, and the general public. The names and addresses of members are submitted by separate letter to the Secretary of State and the Department of Public Health and Human Services. The Lieutenant Governor shall serve as chairman.

III. ADMINISTERING AGENCY:

The Department of Public Health and Human Services is designated as the organizational unit responsible for the administration and management of the Council.

IV. DURATION:

This Council shall remain in existence for two years from the effective date of this Order unless extended or terminated by subsequent Executive Order.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 11th day of February, 1998.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State